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UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
101 NORTH WACKER DRIVE, SUITE 1920
CHICAGO, ILLINOIS 60606
FAX NO. 312-777-2065

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040



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GEORGE H. BRANT
312-777-2051
MACK H. SHUMATE, JR.
312-777-2055
DANIEL R. LA FAVE
312-777-2046
LINDA J. COYLE
312-777-2056
THOMAS W. CUSHING
312-777-2053
FREDERICK P. JOHNSTON, JR.
312-777-2047

November 26, 2002

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VIA U.P.S. OVERNIGHT DELIVERY

Mr. Vernon Williams, Secretary
Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

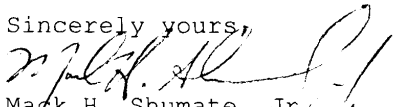
**RE: Proposed Abandonment of the Lakewood Industrial Lead from
M.P. 16.50 near Cover Street to the end of the Line at M.P.
17.35 South of Wardlow Street, a Distance of 0.85 Miles in
Lakewood and Long Beach, Los Angeles County, California;
STB Docket No. AB-33 (Sub-No. 196X)**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), the Union Pacific Railroad Company ("UP") filed a verified Notice of Exemption covering the above-referenced line of railroad. This document was mailed to the STB on November 7, 2002 with a filing date of November 8, 2002. Two (2) letters were received by the UP regarding this abandonment on November 8, 2002. UP hereby submits these letters to the STB for inclusion with the Notice of Exemption. The first letter from the California Office of Historic Preservation is marked Exhibit "D" and concurs that no historic properties will be affected by the subject abandonment. The second letter from the California Department of Toxic Substances Control ("DTSC") is marked Exhibit "E" contains several comments related to environmental questions DTSC has.

Ten (10) copies of this letter with attachments are enclosed for inclusion with the Notice of Exemption.

Sincerely yours,


Mack H. Shumate, Jr.
Senior General Attorney

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Enclosures

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**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax (916) 653-6624
calshpo@ohp.parks.ca.gov



November 4, 2002

Reply To: PROJECT NUMBER LISTED BELOW

Mack H. Shumate, Jr, Senior General Attorney
Union Pacific Railroad Company
Law Department
101 North Wacker Drive, Suite 1920
Chicago, IL 60606

Re: Proposed Railroad Abandonments

Dear Mr. Shumate:

You have provided me with the results of your efforts to determine for the benefit of the Surface Transportation Board (STB), whether the abandonments listed below may affect historic properties. You have done this, and are consulting with me, in order to enable the FCC to comply with Section 106 of the National Historic Preservation Act and implementing regulations codified at 36 CFR Part 800.

- STB021004A - Abandonment of the Lakewood Industrial Lead from M.P. 16.50 near Cover Street to the end of the Line at M.P. 17.35 South of Wardlow Street, a Distance of 0.85 Miles in Lakewood and Long Beach, CA
- STB021004B - Abandonment of the San Jose Industrial Lead from M.P. 19.60 near Valbrick to M.P. 22.45 near Cahill, CA
- STB021007A - Abandonment of the Ninth Street Electric Industrial Lead from M.P. 0.00 south of Powell Street to M.P. 1.40 near Heinz Avenue, near Emeryville, CA

You have done this, and are consulting with me, in order to enable the STB to comply with Section 106 of the National Historic Preservation Act and implementing regulations codified at 36 CFR Part 800.

I have reviewed the documentation furnished and considered your recommendation to the STB that there were no historic properties affected by these undertakings. Based on that review, I have the following comments:

- 1) I concur in your recommendation that no historic properties will be affected by these undertakings.
- 2) I would not object to an official finding by the STB that no historic properties will be affected by these undertakings.
- 3) I will assume that the STB has made this finding unless I hear to the contrary from them within 15 calendar days after you have furnished them with a copy of this letter.
- 4) Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, the STB may have additional responsibilities for this undertaking under 36 CFR Part 800.

Thank you for considering historic properties during project planning. If you have any questions, please call Natalie Lindquist at (916) 654-0631 or e-mail at nlind@ohp.parks.ca.gov.

Sincerely,

Dr. Knox Mellon
State Historic Preservation Officer

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**LAW DEPARTMENT
UNION PACIFIC RR CO.**



Department of Toxic Substances Control

Edwin F. Lowry, Director
5796 Corporate Avenue
Cypress, California 90630



Gray Davis
Governor

Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

October 29, 2002

Mr. Dave Navecky
Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W., Room 512
Washington, DC 20423-0001

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10/30/02
**LAW DEPARTMENT
UNION PACIFIC RR CO.**

ENVIRONMENTAL AND HISTORIC REPORT FOR THE ABANDONMENT OF THE
LAKEWOOD INDUSTRIAL LEAD PROJECT - DOCKET NO. AB-33 (SUB-NO.196X) -
SCH #2002104003

Dear Mr. Navecky:

The Department of Toxic Substances Control (DTSC) has received your Environmental and Historic Report (E&HR) for the above-mentioned Project.

Based on the review of the document, DTSC's comments are as follows:

- 1) The E&HR needs to identify and determine whether current or historic uses at the Project site have resulted in any release of hazardous wastes/substances at the Project area.
- 2) The E&HR needs to identify any known or potentially contaminated site within the proposed Project area. For all identified sites, the E&HR needs to evaluate whether conditions at the site pose a threat to human health or the environment. The E&HR states that there are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way. The E&HR has to mention of the regulatory agencies and/or its databases that verifies the above statement.
- 3) The E&HR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and the government agency to provide appropriate regulatory oversight.
- 4) The E&HR states that the property is encumbered with easements for several large underground petroleum pipelines. An environmental assessment should be conducted in the project area to evaluate whether the project area is

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

contaminated with hazardous substances from the potential past and current uses including storage, transport, generation, and disposal of toxic and hazardous waste/materials. Potential hazards to the public or the environment through routine transportation, use, disposal or release of hazardous materials should be discussed in the E&HR.

- 5) Any hazardous wastes/materials encountered during abandonment should be remediated in accordance with local, state, and federal regulations. Prior to initiating any abandonment activities, an environmental assessment should be conducted to determine if a release of hazardous wastes/substances exists at the site. If so, further studies should be carried out to delineate the nature and extent of the contamination. Also, it is necessary to estimate the potential threat to public health and/or the environment posed by the site. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations and policies rather than excavation of soil prior to any assessments.
- 6) All environmental investigation and/or remediation should be conducted under a Workplan which is approved by a regulatory agency that has jurisdiction to oversee hazardous waste cleanups. Complete characterization of the soil is needed prior to any excavation or removal action.
- 7) If the subject property was previously used for vegetation or agriculture, onsite soils could contain pesticide residues. The site may have contributed to soil, and groundwater contamination. Proper investigation and remedial actions should be conducted at the site prior to its new development.
- 8) If any of the adjacent properties of the project site are contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall under the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is on a "Border Zone Property."
- 9) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project is planning to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.

Mr. Dave Navecky
October 29, 2002
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- 10) If the project requires demolition, renovation and addition of building structures, investigate the presence of lead paints and asbestos containing materials (ACMs) in the currently existing buildings at the site. If the presence of lead or ACMs are suspected, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with the California environmental regulations.
- 11) The E&HR shows that the Union Pacific Railroad currently exists at the project site. Railroad activities may be a potential source of contamination. Appropriate soil sampling and analysis are required in the area before its abandonment.
- 12) If during construction the project, soil and/or groundwater contamination are suspected, construction in the area should cease and appropriate Health and Safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the government agency to provide appropriate regulatory oversight.

DTSC provides guidance for the Preliminary Endangerment Assessment (PEA) preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at www.dtsc.ca.gov.

If you have any questions regarding this letter, please contact Mr. Johnson P. Abraham, Project Manager at (714) 484-5476.

Sincerely,



Haissam Y. Salloum, P.E.
Unit Chief
Southern California Cleanup Operations Branch
Cypress Office

cc: See next page

Mr. Dave Navecky
October 29, 2002
Page 4

cc; Mr. Mack H. Shumate, Jr.
Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Suite 1920
Chicago, Illinois, 60606

Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806